



Order Filed on February 6, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 18-21079 - RG

Hearing Date: December 18, 2019

Judge: Rosemary Gambardella

Recommended Local Form:

Followed

Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

DATED: February 6, 2020

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: JPMorgan Chase Bank, National Association
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: Russell L. Low, Esquire
Property Involved ("Collateral"): 5 Sewall Avenue B4, Clifton, NJ 07011

Relief sought:

Motion for relief from the automatic stay

Motion to dismiss

Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- The Debtor is overdue for **2** months, from **December 1, 2019** to **January 1, 2020**.
- The Debtor is overdue for **2** payments at **\$1,206.05** per month.
- The Debtor is assessed for _____ late charges at \$_____ per month.
- Applicant acknowledges suspense funds in the amount of **\$245.38**

Total Arrearages Due \$2,166.72

2. Debtor must cure all post-petition arrearages, as follows:

- Immediate payment shall be made in the amount of **\$1,206.05**. Payment shall be made no later than **January 31, 2020**.
- Beginning on **February 1, 2020**, regular monthly mortgage payments shall continue to be made.
- Beginning on **February 1, 2020**, additional monthly cure payments shall be made in the amount of **\$160.12** for **5** months.
- On **July 1, 2020**, additional monthly cure payment shall be made in the amount of **\$160.07**

The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

Immediate payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

Regular Monthly payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

Monthly cure payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

4. In the event of Default:

Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent

to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

The Applicant is awarded attorney's fees of \$_____, and costs of \$_____.

The fees and costs are payable:

Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

to the Secured Creditor within ____ days.

Attorneys' fees are not awarded.

6. Upon dismissal, discharge, chapter conversion, or relief from stay, the foregoing terms and conditions shall cease to be binding, payments will be due pursuant to the terms of the original loan agreement and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtors.